

Sibbet (R. Lowry)

REPORT

ON

MEDICAL LEGISLATION.

PRESENTED TO THE

MEDICAL SOCIETY OF THE STATE OF
PENNSYLVANIA.

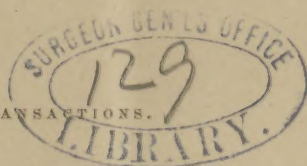
BY

R. LOWRY SIRBET, M.D.,

CARLISLE, PA.

At its Annual Meeting held at Altoona, May, 1880.

REPRINTED FROM ITS TRANSACTIONS.



PHILADELPHIA:
COLLINS, PRINTER, 705 JAYNE STREET.
1880.

REPORT
ON
MEDICAL LEGISLATION.

PRESENTED TO THE

MEDICAL SOCIETY OF THE STATE OF
PENNSYLVANIA.

BY
R. LOWRY SIBBET, M.D.,
CARLISLE, PA.

At its Annual Meeting held at Altoona, May, 1880.

REPRINTED FROM ITS TRANSACTIONS.

PHILADELPHIA:
COLLINS, PRINTER, 705 JAYNE STREET.
1880.

REPORT ON MEDICAL LEGISLATION.

THE Committee on Medical Legislation beg leave to report that the bill pending in the legislature at the time of our last meeting was defeated on final reading in the House of Representatives, after it had passed the Senate without opposition. This bill was intended to take the place of section three of the Act of 1877, which is imperfect. It required registration of all practitioners of medicine by the prothonotaries of the several counties of the State, as the means of obtaining important information which cannot be secured in any other way. It has been stated in former reports and in memorials that registration, uniform and thorough, of physicians, druggists, and dentists, is practised in all European countries; and that it is the only solid basis upon which the medical profession can rest in any country. It has also been stated that registration is practised by the legal profession in all countries as the essential feature of the means made use of to secure competency in our courts of justice. And it is still the opinion of your committee that the registration of medical practitioners, which has been commenced in our State, should be continued under the imperfect section referred to, and in accordance with the forms adopted by this Society, until further legislation can be obtained. In the mean time it is proposed to point out some of the obstacles in the way of medical legislation, and to indicate the means which it is our privilege to use under a republican form of government, and which we must use, if we would secure for our profession a higher standard.

In a more centralized form of government in which the institutions of the country are given to the people by the higher classes, the regulation of the practice of medicine is very simple. A certain number of boards of examiners are constituted by law to examine all candidates for the degree of Doctor of Medicine, and no one is permitted to practise who has not obtained this degree. These boards of examiners, as they exist in foreign countries, are, of

course, connected with the departments of higher education, but they are in no way interested in the number of candidates whom they examine or recommend for degrees.

In the United States it is altogether different. The less intelligent classes of our people are virtually the lawmakers, and we must accept what they give us. Our government is a republic of independent States, each of which claims absolute control over its own institutions, including medical schools. The Federal government cannot limit their number, or interpose restraints of any kind, and just here we find the chief obstacle in the way of efficient legislation on this subject. Concert of action between the States is impossible. As a result, rival institutions of low grade spring up everywhere. The courses of study are abbreviated; degrees are prostituted; diplomas become articles of merchandise.

The degree of Bachelor of Arts is conferred by our higher literary institutions after six years of faithful study, but it may also be obtained from other institutions after three years of study. The degree of Doctor of Medicine may be obtained on almost any terms. These degrees have therefore no uniform or fixed value in our country; and the latter has frequently been conferred upon ignorant pretenders.

What effect this policy, indorsed again and again by our State legislatures, may have upon our literary institutions and upon the other professions, it is not for us to predict; but it is certain, in the near future, to bring disgrace upon our medical schools and upon our profession, if it has not done so already. We have in the United States three times as many medical schools as Germany, four times as many as Great Britain, and ten times as many as France. New York has 13 or 14, Ohio has 12, Missouri has 8, Pennsylvania has 7. These institutions, eighty-five in all, are of course chartered by the legislatures of the several States in which they are located; and some of them, as is well known, are exceeding pretentious and corrupt. They are not unfrequently called universities, even when their doors are closed eight months in the year. In a few instances they have well deserved the opprobrious epithets applied to them by the press, such as "diploma mill" and "doctor factory." All this has grown out of the fact that our government is a republic of independent States, without power to limit the number of medical schools or to restrict them in the exercise of their proper functions.

But there is another obstacle in the way of efficient legislation to which we invite the attention of the profession. We refer to the existence of the *sects* in medicine. These are an American product.

They have grown up in our midst during the last forty years. Popular government has given them a legal form and shape. In no other country has there ever been a chartered medical school calling itself *homœopathic*, *eclectic*, *hydropathic*, *vitopathic*, or *hygieio-therapeutic*. The seed of sectarian medicine was first sown in Pennsylvania, Massachusetts, and New York, and to-day we are reaping a harvest of bitter fruit. There are at present twenty-one or twenty-two such institutions in our country, and we know that most of them are engaged in the diploma traffic. A few weeks' attendance upon what are dignified as medical lectures in rented buildings, or it may be a few dollars sent in an envelope to the dean of the faculty, and the candidate has conferred upon him the degree of doctor of medicine. It is well known that the agents of these institutions have canvassed our country from one end of it to the other, and that many persons are in the possession of diplomas who have no proper claim to them. The members of this Society know best; but your Committee have reason to suspect that there are persons in every county in Pennsylvania who have obtained the degree of Doctor of Medicine in this irregular manner. These agents have even ventured abroad, and are now supplying the demand for American degrees in foreign countries. In Europe, in Asia, in Australia, in the Canadian provinces, and in the South American States these diplomas are found by our ministers and consuls. In no department of industry have we so far outstripped other nations as in the manufacture and sale of medical diplomas. And although in most cases they are not valuable to the dupes who have purchased them, the disgrace attaches itself to our country and to our profession; and it is our duty, as a Society, to wash our hands clean, and to recommend such legislation as will save, at least, the commonwealth of Pennsylvania from further disgrace.

In this connection, it may be stated that the medical schools in foreign countries, as well as the greater part of the profession in the United States, are not in any proper sense of the term *sectarian*, either in their teaching or in their practice. There has never been, in any country, a chartered medical school calling itself *allopathic*, and it is not likely there ever will be. This term—whatever it may mean—is ignored by all to whom it is usually applied, as unscientific, and, like the other high-sounding adjectives just given, is calculated to bewilder and deceive the people. It is the invention of theorists, who insist that every practitioner shall have a name, whether he is willing to recognize it or not. Rational medicine has no need for such bombastic titles to commend it to the favor of the

people. Whilst it allows the greatest liberty in the discussion of theories, it at the same time permits and urges the use of all means that experience has shown to be useful in the treatment of diseases.

From these remarks, forced upon us by the circumstances which surround us, it becomes apparent that sectarian medicine has created an additional obstacle in the way of efficient legislation in the United States which does not exist in other countries, and which is not easily removed or overcome. The course of action which your Committee recommend will be considered further on.

We come now to a subject which we can no longer keep in abeyance, because it touches upon our honor as citizens of a great commonwealth, and as members of a noble profession. Thus far we have kept silent as a society, lest we should appear to become the persecutors of institutions in our midst, which are known to be only *whited* sepulchres. And even now we prefer to use the arguments of others outside the profession, and to give to them the credit of bringing to light what many good people are unwilling to believe can exist.

The following is extracted from the Legislative Journal of the State.

“Mr. Randall, from the special committee appointed in pursuance of a joint resolution of the Senate and House of Representatives to investigate the facts concerning the alleged corrupt issuing of medical diplomas by any medical college existing under the laws of this State, made the following report, which was read and adopted:—

“The undersigned members of the committee appointed pursuant to a resolution of January 24, 1872, to investigate the facts concerning the alleged corrupt issuing of ‘medical diplomas’ by any medical college existing under the laws of this State, beg leave to submit the following report:—

“Your committee met on the 31st day of January, A. D. 1872, and organized by electing A. M. Martin clerk; and being profoundly impressed with the importance of the subject committed to their charge, have prosecuted what they believe to be a thorough and searching, as well as a fair and impartial investigation of the charges referred to.

“The sessions of your committee have all been held in public in the cities of Philadelphia and Harrisburg: the proceedings have all been published, and the faculty and trustees of all the institutions have had full liberty to furnish any evidence, either exonerating themselves, or implicating others; thus, as your committee believe,

adopting every precaution to protect the innocent, and neglecting no proper means to expose the guilty.

"The institutions in regard to which inquiry has been made are, the University of Pennsylvania, the Jefferson Medical College, the Philadelphia University of Medicine and Surgery, and the Eclectic College of Medicine, all of which are located in the city of Philadelphia.

"In regard to the two first named institutions, the University of Pennsylvania and the Jefferson Medical College, your committee feel bound to report that a full and careful inquiry has developed no cause for suspicion that either the trustees or faculty, or any member thereof, have in any way been concerned in the unlawful issue of medical diplomas, or the improper issue of what are termed 'Honorary Degrees.' On the contrary, the concurrent and uncontradicted testimony shows conclusively that persons connected with these institutions have, from the commencement of this nefarious traffic in diplomas, used all proper means both to expose and prevent the same, thus fully justifying the high estimate placed upon these institutions, and affording new proof of their just title to public confidence and esteem.

"The other institutions, which at present are known by the names of the Eclectic Medical College and the Philadelphia University of Medicine and Surgery, seem to owe their corporate existence to some very complicated and mysterious legislation. The legislative authority under which they seem to act is, first the Act of February 25, 1850, by which the 'Eclectic College' was incorporated, and the Act of February 26, 1853, by which the American College of Medicine in Pennsylvania was incorporated. By the act of February 26, 1853, the word 'eclectic' was stricken out of the act of February 25, 1850, the original act. By the act of February 15, 1860, the American College of Medicine in Pennsylvania, and the Eclectic College of Philadelphia, were hereafter to be known by the title of the Eclectic College.

"By the act of 1867, the American University of Philadelphia was incorporated, and by the terms of its charter has no power to confer medical degrees, except upon persons who have passed through the ordinary clinical course of study. By an act approved March 21, 1865, we have the first appearance of the Philadelphia University of Medicine and Surgery, and this appears to arise from a merger of the Eclectic Medical College and the American College of Medicine.

"An examination of many witnesses has convinced your committee that the Philadelphia University of Medicine and Surgery,

under the management of Dr. William Payne, and the Eclectic Medical College, under the management of Dr. John Buchanan, have for a long time openly engaged in the sale of diplomas to persons who had not attended even a practical collegiate course, and who in many instances were without any medical or scientific attainments whatever.

"It is in evidence that Dr. Payne made an agreement for the sale of diplomas, for the consideration of two hundred dollars, conferring the degrees of M.D. and LL.D. upon a person of whom he knew nothing except the name, and that in pursuance of this arrangement said diplomas were regularly made out and signed. The person named in this instance is said to have been an infant but two years old. It was also proved that Dr. Payne entered into an agreement with other parties to furnish diplomas for sale. In many instances there was positive proof that he had issued the diplomas of the University of Medicine and Surgery, for a consideration, to persons who had never attended any course of instruction, and to others who had only attended a few lectures in the course, and almost invariably without requiring an examination of the person so graduated or the writing of a thesis. In a number of cases witnesses testify to having received meritorious degrees in medicine without study, examination, or even payment. An examination of the books of the Philadelphia University of Medicine and Surgery disclosed the fact that many *honorary degrees* from that institution were disposed of for money, the entries stating specifically the amounts paid for such degrees and the names of the persons to whom they were sold.

"The testimony concerning the illicit traffic in diplomas by the Eclectic College of Medicine, under the management of Dr. John Buchanan, developed some most astounding facts connected with this institution. It appears to be notorious that the sale of diplomas by this college was carried on openly and systematically. Diplomas from this college, in regular form and signed by the faculty, have been granted to women who could not even tell the location of the college, and there is abundant evidence of the sale of degrees to persons who never attended any of the lectures of the course or received any medical instruction whatever. One of the faculty testified before the committee that during the time he filled an important chair in this college he visited a distant part of the State for the purpose of ascertaining who among the practising physicians of that locality were without diplomas, with the intention of selling them degrees for whatever sum could be obtained.

"Your committee feel bound to report that this illicit and dis-

graceful traffic in diplomas by the two colleges above named has brought the medical profession of the State into disrepute, and has done great injury to the character and standing of the University of Pennsylvania and the Jefferson Medical College. Several members of the faculty of these institutions testified that they are constantly in receipt of letters from distant parts of the country and from England, inquiring upon what terms and conditions diplomas could be purchased, and a number of these letters were produced before your committee, copies of which will be found among the notes of testimony herewith submitted. It seems to have been the design of those engaged in the nefarious business to create the impression that they really represented the University of Pennsylvania at Philadelphia, and hence their endeavors by frequent legislation to obtain such names as would be likely to be mistaken for it. It is certain from the testimony adduced that both the Eclectic College and the Philadelphia University of Medicine and Surgery, sold many scholarships to persons who supposed they were purchasing the scholarships of the University of Pennsylvania, and that in no instance was the error corrected when the student discovered the mistake.

"In view therefore of the clearly established fact that both the Eclectic College of Medicine and the Philadelphia University of Medicine and Surgery have abused the trust confided in them by the Legislature, by their several acts of incorporation, by selling their degrees to persons who had not attended the regular course of instruction, or were in any manner entitled to hold diplomas from a chartered college, and that their existence as incorporated medical institutions is productive of great disgrace to the medical profession, therefore your committee urgently recommend the passage of a law repealing all former laws incorporating said institutions.

"All of which is respectfully submitted.

WM. M. RANDALL,
J. M. WEAKLEY,
B. B. STRANG,
D. A. NAGLE,
M. S. HUMPHREYS,
D. W. CRAWFORD,
E. BILLINGSFELT."

It is only necessary for your committee to state that bills were introduced, passed by the Legislature and approved by the governor, repealing the several acts by which these institutions were incorporated; but an appeal was made to the supreme court, and it was

decided that an act of incorporation can only be annulled by judicial procedure.

We next present an abstract from a letter written by Hon. Andrew D. White, our minister at Berlin, to Secretary Evarts of the State Department at Washington, and forwarded to Mayor Stokley of Philadelphia. It is only one of numerous complaints that have reached us through our ministers and consuls relating to the chartered medical schools of Pennsylvania, and we think it should be given to the profession as part of our report (see *Philadelphia Record*, Mar. 31, 1880). It reads as follows:—

“Some weeks since a Mr. Pappenheim brought me a diploma, engrossed on parchment in very handsome style, and issued nominally by ‘The American University of Philadelphia’ (of 514 Pine Street), conferring the degree of Doctor of Medicine upon one Christopher Schnetz, living, as I understand it, at Leipzig. It would appear that the diploma was offered to Schnetz upon the condition that he would pay a sum of money for it. It bears the signature of a number of persons claiming to be professors in the aforesaid university, at the head of them being the signature of John Buchanan, M.D. Schnetz desired the Legation to give him a declaration of its genuineness and value, which I refused to do. One peculiar feature of the diploma was that, although evidently entirely new and recently issued, it was dated 1872.

“About ten days ago another and more serious case was brought to my notice. The judicial authorities at Prenzlau forwarded a copy (which I inclose) of a diploma issued by the same alleged institution to Paul Christopf Erdman Volland, and signed by the faculty, at the head of which appears the same name John Buchanan, M.D. The authorities at Prenzlau asked the Legation regarding the genuineness of the diploma and standing of the institution, it being with them a question whether Volland could be allowed to practise his profession under such a diploma.

“After looking through the correspondence on record in this legation, and seeking in vain for the name of the institution in the list of colleges and universities published by the Bureau of Education in the Department of the Interior at Washington, my answer was unfavorable to Volland’s claim.

“You will observe among the papers accompanying the diploma of Volland something much more serious than the diploma itself, and that is the authentication of it by Philip A. Cregor, or Gregar, notary public of Philadelphia; and I bring this matter especially to the notice of the Department, hoping that something may be

done to prevent officials in Pennsylvania lending themselves to what is undoubtedly a fraud, whether under the forms of law or not.

"That such cases as these have brought disgrace upon the American system of advanced education, and upon the American name in general, is certain. This has recently been revealed to me incidentally in a curious way: In a very successful play now running at the Royal Theatre in this city, a play written strangely enough by a judge of one of the higher tribunals in the Empire, one of the characters, in casting a reflection upon another who is dignified with the title of Doctor, declares a belief that the latter had simply bought his degree in America; and in a recent novel of a popular author here, the scoundrel of the book, having escaped justice in Germany, goes to America, and is at last advised very comfortably settled and practising medicine with a diploma which he had bought for money.

"All this, of course, is of no special significance in this case, save that it shows that the fair name of our country has been and can be injured in the minds of a large number of people by such contemptible transactions as those herein referred to."

We come next to consider very briefly the means which it is our privilege and duty to use for the elevation of our profession and for the protection of the people.

The first of these is *legislation, direct and unequivocal*. It is plain from what has been stated that the profession in Pennsylvania is in much the same situation as it is in France, or Great Britain, or any other independent government, with this exception, that we have in our midst *sectarian* medicine to make legislation more difficult. We can, however, even in the peculiar circumstances in which we are placed, consider the profession as composed of two classes of practitioners.

- 1st. Those who have obtained the degree of Doctor of Medicine from institutions in our own State; and
- 2d. Those who propose to settle in our midst, pretending to have obtained this degree from institutions in neighboring States or foreign countries.

This division of the subject is simple and natural. It grows out of the independence of the State. It implies the right which we have to protect ourselves. In all European countries, legislation is based on this principle, and we cannot do better than adopt it. Our first duty is therefore to establish a standard of qualifications in the profession, and afterwards to protect ourselves from imposition by

those who come from other States or countries, with insufficient attainments or with bogus diplomas.

It will be difficult to conceive of a standard of qualifications which would be creditable to our State, without an Act of Assembly, requiring those who matriculate in our medical schools to have passed through certain courses of preliminary study. In the Canadian provinces the matriculate is required to have an academic degree, or to submit to an examination in the following branches of study, namely, English Language (Grammar and Composition), Arithmetic, Algebra, Geometry, and Latin as far as the Orations of Cicero; and in one of the following studies, namely, Greek, French, German, or Natural Philosophy. In this particular we cannot afford to be behind our neighbors. In the Harvard Medical School, and in the University of Michigan, the equivalent of this has been adopted. In most of the counties of our State, if not in all of them, the student of law is required to pass a preliminary examination before he is allowed to place himself under the care of a preceptor, provided he has not obtained an academic degree; and the same examination or degree might be required of those who desire to enter upon the study of medicine; and to escape the prejudices arising out of the *sects* in our profession, the examination might be conducted by the same committee of legal gentlemen.

The registration of all practitioners of medicine has been referred to; and in former reports we have advocated it, as the foundation of history for our profession. This view of the subject has been presented in memorials, before our legislature, but without obtaining the full benefit of an efficient law. We now ask you to consider it as a means, which has long been used in other countries, to prevent imposition and fraud. Our profession, our people, as well as our respectable medical schools, need protection. We ought to have a standard; but how shall the profession or the people know that the practitioner who comes from a neighboring State has the qualifications to practise medicine? How shall any one know that the practitioner who comes from a foreign country is not a pretender? A stranger merely suspected cannot be arrested with impunity, or required in a court of justice to give evidence against himself. The burden of proof rests upon the commonwealth. But the individual who proposes to practise medicine may be required in the presence of the prothonotary of the county to give his name, his native country, the institution that conferred upon him the degree of Doctor of Medicine, and the year in which it was conferred. All this may be required, under oath or affirmation, not only as the basis of

history for the profession, but as an important means to prevent imposition and fraud.

Intimately connected with registration is the organization of a Board of Examiners. It is right to have a standard; it is also right to require registration; but there are some things which neither of these can secure to the profession or to the people. How shall we know that the stranger who comes into our midst has not bought his degree for money? or has not erased the name of a deceased relative from an old diploma and inserted his own? Medical institutions are numerous; degrees are cheap; diplomas are sometimes counterfeited. An itinerant, several years ago, was known to exhibit on the corners of the streets and wherever he went three diplomas from as many medical schools in the United States. Against such abuses how shall our profession protect itself? Experience has shown that it can only be done by efficient acts of legislation, faithfully executed. As in other independent States, a Board of Examiners has become a necessity for Pennsylvania. A State Board of Health, as in Illinois, might be the proper depository of such power, composed in part, as it should be, of individuals representing other professions and occupations.

But there is another means for the elevation of the profession which your committee desire to present for consideration, namely, *the judicious use of the press*. This we believe has become a necessity in the United States. Congress can do very little for the profession, except to exclude *sectarian* medicine from the army and the navy; and the legislatures of the States left to themselves are not likely to rise to an intelligent appreciation of the subject. Indeed, it would appear, from the report of the investigating committee which we have just read, that the Legislature of Pennsylvania by frequently granting charters to uneducated and irresponsible parties for the purpose of founding institutions of learning—pretentious universities and colleges—has brought disgrace upon our commonwealth and upon our profession. How to correct an evil of this kind, which touches upon the prejudices of the people at so many points; and how to prevent its recurrence in the future, though the courts confer now the charters in Pennsylvania, are questions that belong to this Society, more perhaps than to any other association, to consider. There may be some difference of opinion in the profession, but your committee are unable to discover any better remedy than the judicious use of the press. The people must be educated; but who will engage in a work of this kind unless the profession volunteer? and how can it be done except by the use of the press?

The importance of thorough preparation for professional work

should be advocated not only in memorials sent up to our legislature and in reports of committees, but in frequent contributions to our leading magazines and newspapers in our State. The duty of supporting medical institutions of irreproachable character should be clearly stated. Rational medicine should be taught, as opposed to every species of deception and fraud. Sanitary science should be proclaimed on the housetop, that the annual mortality of the people might be reduced to a minimum. The value of statistics should be explained in every community, including especially the registration of births and deaths. And lastly efficient legislation should be advocated. The people should be informed that every honest practitioner of medicine desires to be placed under the protection of law, and to be governed by it; that the charlatan and the abortionist alone protest against the restraints of wholesome legislation.

In concluding this report, your committee desire to speak encouragingly of the future. The Act of 1877 has already produced good results. The *tramp doctor* does not make his appearance so frequently. The non-graduate engages in practice at the risk of prosecution and a fine of two hundred dollars; and the profession and the people are beginning to understand the importance of the subject.

All of which is respectfully submitted.

TRAILL GREEN,
JOHN L. ATLEE,
BENJ. LEE,
J. L. STEWART,
C. A. RAHTER,
R. L. SIBBET.

